UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RIGOBERTO HERNANDEZ HERNANDEZ, Petitioner, v. U.S. BORDER PATROL, *et al*., Respondents.	Case No. Agency No. AXXX-XXX-475 **DECLARATION OF RICARDO HERNANDEZ HERNANDEZ IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Ricardo Hernandez Hernandez, under penalty of perjury, do solemnly declare:

1. I have personal knowledge of the facts stated in this declaration and, if called as a witness, could testify truthfully to those facts.
2. My name is Ricardo Hernandez Hernandez. I am 25 years old. I am a Type 2 Initial Attack wildland firefighter. I am also qualified as a sawyer. Outside of the wildfire season, I work in timber fabrication in Oregon.
3. My brother is Rigoberto Hernandez Hernandez.
4. Rigoberto and I grew up together. In many ways, my career as a wildland firefighter is because I followed Rigoberto into the role. Our brother, Hector, is now also starting his career as a firefighter with the Bear Gulch fire being his first

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mobilization.

5. Rigoberto and I both graduated from Salinas High School. After graduation, Rigoberto was struggling to find his way forward in life. For him, the call of wildland firefighting was the thing he had been searching for. It combined his love of nature, his desire for teamwork and camaraderie, and the chance to contribute to his community meaningfully. He is very skilled and thoughtful in his work. He looks out for others on the crew, shares his knowledge and skills with others, and keeps an eye over everyone. He is brave and courageous and strives to learn all the time. He is very strong and can handle a lot of hard, heavy work that happens in the field and along the fire line. He has a personal plan of moving into a Hotshot role and would eventually like to join the elite ranks of the Smokejumpers. He is studying to get credentialed as an Incident Commander Type 5, which is the entry level commander path.

6. On or about August 15, 2025, I received a call from our dispatcher to report for the Bear Gulch fire. Rigoberto, Hector, and I traveled to our dispatch site in Independence, Oregon, left our private vehicle there, and were then transported in the company vehicles to the fire. On or about August 16, 2025, we arrived at the Bear Gulch fire in the Olympic National Forest. It was a large fire with a lot of important and historic structures and important hiking trails along the Staircase rapids. This area straddles the Olympic National Forest and the Olympic National Park. It is a beautiful area, and it was sad to see the fire burning it up. We were glad to be on the team working to fight the fire and protect the area.

7. Our time was spent along the fire perimeter, and we were prepared for initial attack

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situations. We protected structures and hiking areas, attended to dangerous situations along the hiking trails, and did mop-up, which is a critical part of wildland firefighting where we put out smoldering fires to prevent reignition. The days were long, the work was hard, and we were exhausted from the many days fighting the fire.

8. Our scheduled last day on the fire was approximately August 28, 2025. On August 27, 2025, we were assigned to a staging site. Being assigned to a staging site is not unusual in my experience but the fire was barely contained, and this particular assignment was to cut wood for the community, which was unusual.

9. Around 9:00 am, the U.S. Border Patrol entered the staging site, blocked our way out, and several armed Border Patrol agents, along with other armed law enforcement from the Bureau of Land Management and other agencies, surrounded Rigoberto and me and the other members of the crew.

10. I took videos and photographs of the interactions. I have preserved those videos and photographs, and I also shared them with Rigoberto's lawyers. My brother, Hector, also took videos and photographs. He shared the videos and photographs with Rigoberto's lawyers.

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11. The above is a still image from a video I took showing how the armed Border Patrol surrounded us. The Border Patrol had ordered us to gather up and none of us, including Rigoberto, were free to go anywhere. Besides being surrounded by the armed Border Patrol, we were at a staging site in a remote part of the forest, and we had been transported there by our crew leaders. While mobilized, all of our movement within the fire zone is controlled by the crew leaders, who themselves report to their supervisors and eventually the Incident Commander.

12. The Border Patrol then divided us into two lines, separated by crew. One crew was our crew.

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13. The above is a still image from a video that Hector took. My shoulder is seen in the video in the lower right corner. The Border Patrol officer walked down the line asking each crew member for their identification documents. He took a photograph of the identification documents with his telephone.

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14. The other crew was forced by the Border Patrol to line up opposite us. The above is an image taken from the video showing the other crew.

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15. In the image above,, the officer is interrogating Rigoberto who was to my right and out of the camera. Rigoberto showed the Border Patrol his fire card, which is an identification document. It has his photograph, name, and date of birth on it. The officer asked, "You've got no other form of identification; no passport or anything?" Rigoberto replied, "I don't have anything on me." The officer asked "Okay. Which country were you born in?" Rigoberto replied, "I plead the Fifth." The Border Patrol agent laughed loudly in Rigoberto's face.

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16. The officer finished demanding IDs from others in the line, returned briefly to his SUV, and then came back to Rigoberto again while we were still forced to stand in line. The first thing the officer said was, "This is an immigration inspection. Since you didn't have any identification except…what was the card…the Fire Card. What country were you born in?" Rigoberto replied, "I plead the Fifth." The officer said, "Okay. Alright" and then directed Rigoberto out of line to be further interrogated. The officer was laughing at Rigoberto. I think he was mocking Rigoberto.



17. The above is an image from a video Hector took showing Rigoberto being interrogated by the Border Patrol officer. I am just outside of the camera's view.

18. The Border Patrol then ordered several of the crewmembers to separate from the

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rest of us. They made them stand or sit along the logs while surrounded by armed guards.



19. The image above shows the agents guarding Rigoberto and the other crew members.

20. For several hours the Border Patrol agents moved back and forth amongst each other but never let Rigoberto and the other detained crew members move freely. In addition to detaining these crew members, at least twice, the officers threatened to arrest the other crew members – the crew members who were not detained behind the SUVs. In one instance, I asked for the officer's badge number or name. He threatened to put me in handcuffs.

21. After the officers ordered Rigoberto to separate from the rest of us, there was no

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other interrogation of Rigoberto. I was able to observe him the entire time during his detention behind the SUV. Then, a Border Patrol officer handcuffed Rigoberto.



22. The above is an image of the officer handcuffing Rigoberto. I heard Rigoberto speak out in pain because the handcuffing was painful.

23. The Border Patrol then put Rigoberto and another crew member into a van and took them away.

24. I have reviewed all the images contained in this declaration. These images are a fair and accurate representation of what I witnessed on August 27, 2025, and these

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images help me explain what I witnessed on that date. I have blurred the faces of the other crew members for purposes of this declaration but I have preserved the unblurred images.

I HEREBY DECLARE UNDER PENALTY OF PERJURY PURSUANT TO 28 U S C § 746 THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated this 16th of September, 2025, in Portland, Oregon.



RICARDO HERNANDEZ HERNANDEZ

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